

Modification Agreement
Administrative Order on Consent, EPA Docket No. 1092-01-22-3008(h)
Boeing Plant 2 Facility

To better reflect current practices, to reduce environmental impacts associated with document preparation and submission, and to streamline the document submission process under the referenced Order, the U.S. Environmental Protection Agency and The Boeing Company agree to modify Section 10.8 of the Order to read:

10.8 All Submittals, except for documentation of financial assurance, may be transmitted to the EPA Project Coordinator (or to such other addressees she/he designates) via electronic mail, physical electronic media (e.g., USB flash drive), or an electronic file transfer system (in a format mutually agreed to between the EPA Project Coordinator and Respondent's Project Coordinator). The use of physical electronic media or an electronic file transfer system shall be agreed to in advance between Respondent's Project Coordinator and the EPA Project Coordinator to ensure compatibility with the respective party's information technology systems and security requirements. For all Submittals, an electronic copy shall also be submitted concurrently to the Washington State Department of Ecology Boeing Plant 2 Coordinator (Ecology). The EPA Project Coordinator will provide Respondent's Project Coordinator with detailed procedures for electronic submissions to Ecology. For purposes of determining compliance with applicable schedules, Respondent's Submittal by electronic means shall be deemed to be submitted on the date of (i) the electronic mail to the EPA Project Coordinator, (ii) the date that the link to the electronic file transfer system is provided via electronic mail to the EPA Project Coordinator, or (iii) the date the associated physical media is deposited for delivery via express United States Postal Service delivery (or other express delivery service to the EPA Project Coordinator) or is hand delivered to the EPA Project Coordinator.

If Respondent elects to provide Submittals in paper format, Respondent shall submit one (1) copy of the Submittal by (i) hand delivery to the EPA Project Coordinator or (ii) express United States Postal Service delivery or other express delivery service to the EPA Project Coordinator (or to other addressees she/he designates). One copy shall also be submitted to the Boeing Plant 2 Coordinator, Washington State Department of Ecology, 3190 160th Avenue S.E., Bellevue, Washington 98008-5452. Submittal in paper format shall be deemed to be effective when the submittal is (i) deposited for delivery to the EPA Project Coordinator as documented in this paragraph or (ii) hand delivered to the EPA Project Coordinator.

All Submittals in paper format shall be printed on recycled paper to the extent practicable.


Signed originals of all financial assurance documentation shall be provided to the EPA in paper format. For purposes of determining compliance with applicable schedules, Respondent's submittal of financial assurance documentation shall be deemed to be effective upon receipt at the office of EPA's Project Coordinator.


As a conforming change, the EPA and The Boeing Company agree to modify Section 15.1 of the Order to read:

Unless otherwise provided, all written notices of approvals, disapprovals, noncompliance or other decisions by the EPA pursuant to this Order shall be effective upon receipt at the office of the Respondent's Project Coordinator. Written notices required by Respondent pursuant to this Order may be transmitted to the EPA Project Coordinator (or to such other addressees she/he designates) via electronic mail, physical electronic media (e.g., USB flash drive), or an electronic file transfer system (in a format mutually agreed to between the EPA Project Coordinator and Respondent's Project Coordinator). The use of physical electronic media or an electronic file transfer system shall be agreed to in advance between Respondent's Project Coordinator and the EPA Project Coordinator to ensure compatibility with the respective party's information technology systems and security requirements. For all notices, an electronic copy shall also be submitted concurrently to the Washington State Department of Ecology Boeing Plant 2 Coordinator (Ecology). The EPA Project Coordinator will provide Respondent's Project Coordinator with detailed procedures for electronic submissions to Ecology. For purposes of determining compliance with applicable schedules, Respondent's notice by electronic means shall be deemed to be submitted on (i) the date of the electronic mail to the EPA Project Coordinator, (ii) the date that the link to the electronic file transfer system is provided via electronic mail to the EPA Project Coordinator, or (iii) the date of receipt by the EPA's Project Coordinator for delivery via express United States Postal Service delivery or other express delivery of physical media or is hand delivered to the EPA Project Coordinator.

If Respondent elects to submit notifications in paper format, Respondent shall submit one (1) copy of the notification by (i) hand delivery to the EPA Project Coordinator or (ii) express United States Postal Service delivery or other express delivery service to the EPA Project Coordinator (or to other addressees she/he designates). One copy shall also be submitted to the Boeing Plant 2 Coordinator, Washington State Department of Ecology, 3190 160th Avenue SE, Bellevue, Washington 98008-5452. Notification provided in paper format shall be deemed to be effective upon receipt at the office of the EPA's Project Coordinator.

This change is mutually agreed to pursuant to paragraph 25.1 of the Order on October 30, 2018.


Timothy B. Hamlin, Director
Office of Air and Waste
EPA Region 10


Steven Shestag, Director of Environment
Environment, Health and Safety
The Boeing Company